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ABSTRACT

The issues involved in institutional licensure, determination of eligibility for federal funds and private accreditation are complex. Each of these functions is undertaken by an element of the "triad" of postsecondary education governance -- the states, the federal Government, and the private accrediting agencies. These three elements comprise a system of checks and balances that result in the need for increased communication. To provide the opportunity for such communication the Postsecondary Education Convening Authority sponsored a retreat on governmental and private institutional approval. This synthesis of the Belmont retreat reflects the efforts underway by representatives of each element toward a cooperative effort in postsecondary education governance. Also included are a list of the Belmont participants and a poem that conferees agreed captures the essence of what went on there. (Author)

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POSTSECONDARY EDUCATION CONVENING AUTHORITY

TOWARDS A DEVELOPMENT OF THE TRIAD CONCEPT: A SYNTHESIS OF THE BELMONT RETREAT ON INSTITUTIONAL LICENSURE, ELIGIBILITY AND ACCREDITATION

by

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February, 1976

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Introduction

The issues involved in institutional licensure, determination of eligibility for Federal funds and private accreditation are complex. Each of these functions is undertaken by an element of the "triad" of postsecondary education governance -- the States, the Federal Government, and the private accrediting agencies. The three elements comprise a system of checks and balances which, while effecting a creative tension, has also resulted in the need for increased communication. It was for purposes of providing the opportunity for such communication that the Postsecondary Education Convening Authority sponsored a retreat on governmental and private institutional approval at the Belmont Conference Center, outside of Baltimore, on January 14 - 16, 1976. The Belmont retreat provided the forum for such communication, a step towards facilitating the interaction among the triad elements and strengthening the governance of postsecondary education.

The Postsecondary Education Convening Authority, supported by a grant from the Fund for the Improvement of Postsecondary Education, is a project of the Institute for Educational Leadership. PECA sponsors conferences, research efforts, task force groups and publications focusing on policy issues in post-secondary education.

The enclosed synthesis of the Belmont retreat, "Towards a Development of the Triad Concept: A Synthesis of the Belmont Retreat on Institutional Licensure, Eligibility and Accreditation," by William Kaplin, reflects the efforts underway by representatives of each element towards a cooperative effort in postsecondary education governance. Also included, for your information, are a list of the Belmont participants, and a poem which conferees agreed captures the essence of what went on there.

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February, 1976

February 12, 1976

INSTITUTE FOR EDUCATIONAL LEADERSHIP

POSTSECONDARY EDUCATION CONVENING AUTHORITY

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It was probably no more than five minutes after the meeting started last night that comments started being made about roles and functions in the triad relationship. Because such discussion began so early, I will try to synthesize the Retreat from its beginning rather than synthesize only what happened this afternoon. The approach I will take is to start with the common ground; go from the common ground to the rough terrain; and from the rough terrain go to the high ground.

I. THE COMMON GROUND

A. Cooperative Spirit

We have heard here, at least to my ear, very considerable evidence of a desire to cooperate with one another. At least in terms of the representation in this room, I think we've moved beyond the basic question of whether people will ever sit down and talk, and whether people will ever be able to cooperate. I think the answer is yes -- that people express a willingness to talk and there's some real sense that it will be possible to cooperate. Partly that is because you share many common and overlapping problems which have been noted again and again during this Retreat. I also sense it is because we've all come to realize that the problem of governing education is so big that neither the States, nor the Federal government, nor the accrediting agencies can do it alone. That, in a sense, is the kind of the key-note the triad idea is trying to strike.

At this very first step of cooperating, what are some things I've heard that can be done right now and are already being done? The necessity of dialogue is very apparent. The dialogue has started, and you are saying it ought to continue. I think it will obviously build and grow after this Retreat. Another thing we saw quite clearly in the meeting this afternoon is that knowledge is necessary: knowledge of what everybody else is doing. I don't mean knowledge of

what school you did or did not approve last month. I mean knowledge of what you are really doing -- your functions, your procedures, what you think your purposes really are. You are beginning to learn about people's operations but everybody should and would like to know much more.

Terminology is still a very basic problem. Everyone would have more knowledge and would be better able to carry on the dialogue if there were a common understanding of the concepts everyone is using (e.g. chartering, approval, accreditation, eligibility, and licensure) and their significance. One possibility is to develop more uniform concepts. The other possibility is simply to clarify your definitions, so that conceptual differences will be apparent and there will be a clear starting point from which dialogue can build.

B. Support for the Triad Concept

Another thing I've heard is a considerable degree of willingness to use the triad concept as the organizing principle under which people will operate. In other words, there seems to be a willingness to use, as a framework of governance, a system with three different but co-existing parties, roughly represented by the States, the Federal government, and the accrediting agencies or other representatives of the private sector. The system would not be a system of one-up-man-ship but a system of balance-of-power. At least on those two principles, the three co-existing parties and the organizing framework which would suggest a balance of powers, there seems to be a degree of consensus building. How you actually flesh out these principles and how you actually flesh out the division of functions, of course, are matters that need to be talked about a great deal.

C. Information Sharing

Once there is willingness to cooperate and willingness to utilize the triad concept, what are the next steps you can take? The Retreat began with a discussion that I think pin-pointed the next step: the concept of information sharing. The idea came from the States, but a good question was raised as to whether and how other elements of the triad would participate in an information-sharing arrangement. While the general idea is on the table, agreement on the mechanics and the technicalities will take considerably more discussion, especially for sharing among the triad elements rather than just within a single element.

Many of you mentioned legal problems regarding information sharing, and I agree that it is important to identify potential legal problems. Let me mention two of them, one that came up in the meeting and one that did not. We discussed the confidentiality, invasion of privacy, and defamation problems that potentially arise whenever anyone is sharing damaging information with anyone else. They are clearly problems that have to be dealt with, but I do not think they are problems that should or could be used to prevent information sharing. There are legal ways to share information. What you need are specific

guidelines and some warning signals about what kinds of information you will share and how.

The other legal problem falls into the category of due process. If any element of the triad makes any decision or takes any action that is adverse to a school, that school has somehow been harmed. The harm is compounded when other people in other areas of the country are notified of the decision or action. As the harm increases due process increasingly rears its head, since courts say that the more you've harmed somebody the more due process safeguards they are entitled to. It thus seems to me you must be increasingly careful about the due process procedures you use when you make decisions if you intend to disseminate those decisions widely.

D. Invitations To Comment

The next step that I think could be taken in the triad context is to establish some formal mechanisms by which each triad element can invite comment from other elements before taking particular kinds of action. If one triad member is about to establish standards or change procedures, or is considering a particular action in regard to a school, other triad elements could be notified and given some chance to comment on the record about the proposed action. I've heard several remarks supportive of such procedures, and I think they could be implemented fairly quickly. It basically takes a recognition that other people's input may be valuable and the ability to receive it before the fact may enhance your decisions and increase the likelihood of cooperation among triad elements.

II. THE ROUGH TERRAIN

A. Division, Limitation, and Interrelation of Functions

Within the general concept of the triad, it seems to me the really hard questions concern the formal division of, limitation of, and interrelation of functions. These are not matters you can resolve by just talking with somebody else. They are matters that eventually may well require changes in legislation to resolve legal authority problems, or philosophical kinds of changes in accreditation, licensing, and the other functions you are engaged in. They will also require that everyone be more precise in defining their functions, so other people can know exactly what you are doing and better relate their operation to yours to avoid unnecessary overlap. Certain triad elements may have to relinquish or back off on some of the things they purport to do now in order to concentrate their resources on more limited objectives and let some other triad element take up the slack.

B. Functions Within Individual States

This kind of division, limitation, and interrelation of function can take place on several levels. First of all, I've heard talk about a need for better division or interrelation of functions within individual States. We had a difficult time identifying the various

operations within a State; I think we finally settled on degree-granting functions, non-degree granting functions, and VA approvals. You probably could add to that, at least for the future, some kind of consumer agency function that will relate more closely to education. There are also professional and occupational licensure operations which may look at individual schools. In short, there are many different functions going on in different States, and I hear talk that the responsible people ought to be able to get together better than they are doing.

C. Functions Between States

The second level is division or interrelation of functions between the States. People from the States are saying that the States need to work together, and I detect a fair consensus on that at least from the people here. But I do not detect a consensus on how the States should work together or what the specific mechanisms for working together would be. This will turn out to be a fairly difficult problem. But at least it seems clear that there should be a way for the States to divide and interrelate their own functions across the nation better than has been done in the past.

D. Functions Among Triad Elements

The third, and probably most difficult level would be the division and interrelation of functions among the separate elements of the triad. Let me talk about this by way of an example. Suppose we were analyzing a State licensure operation, and we concluded that it is doing something much like what the accrediting agency with jurisdiction over that State's schools is doing. Would you be satisfied to have a licensing function that is quite similar to the accrediting function so that the accrediting agency and the licensure agency are visiting the same schools and doing substantially the same thing? Some people might say yes; it provides a kind of double check so we will be more sure that the decision about the school is right. But other people might say no; that's inefficiency, there's too much overlap, and there should be a better division of function among the licensure agency and the accrediting agency. If that is your answer, how do you create that division of function? Should the licensure agency back off what it's doing to make itself less like an accrediting agency? Or should the accrediting agency move beyond what it's doing and become less like the licensure agency? Or is there some way that both can shift a bit in order to better interrelate what they are doing? One possible perspective I've heard is that, if licensure agencies begin to undertake more substantial activities that look more like what accrediting agencies do, perhaps then the accrediting agencies will be able to concentrate more on difficult questions such as measuring educational quality or engaging in long range planning in higher education.

I don't think I've heard answers to these questions. But I think they are very difficult and that the general topic is well worth more discussion.

E. Dividing and Integrating The Education Universe

There is another kind of division and interrelation of function problem that I've heard discussed. It is the problem of dividing or integrating the education universe. I've heard many different ways to carve up that universe. Many of you say there's the degree-granting part and the non-degree granting part. Others say there is the non-profit part, and the proprietary part. And still others say there's the public part and the private part. Some people are beginning to talk now about the traditional part of the education universe and the non-traditional part of the education universe. A State person could talk about the in-state part of the education universe and the out-of-state part or, to cut it a little finer, the in-state part of the universe that is made up of out-of-state schools who have come into the State. You could further divide that category into the out-of-state schools that have come into the State to offer a degree, and the out-of-state schools that do not offer a degree in the State but only offer a program.

I don't detect any consensus on how you ought to carve up the education universe. Perhaps there need not be any consensus as such, but the question deserves more discussion so that everyone can be more sensitive to both the differences and the similarities among various parts of the universe.

If you increasingly recognize divisions in the universe, you may end up with two bad problems. One is the problem of jurisdictional disputes. The more divisions you make the more separate jurisdictions you have, and the more basis for disputes concerning respective responsibilities in education. The other problem is "falling between the cracks." New animals may come on the scene that don't seem to fit anywhere, and when no one claims jurisdiction they go along without anybody really regulating them. On the other hand, if you downplay divisions in the education universe, you may also have problems. I've heard suggestions that inattention to distinctions between parts of the universe will inhibit the ability of people and agencies to develop expertise regarding particular problems and approaches in education.

Those, to me, seem to be the extremes. Somewhere there must be a middle ground, and I think I've heard talk about that too. It seems to me the middle ground is the identification of a common core of concepts that apply to some extent to all or nearly all of the education universe. There might be a common core of principles regarding what education is, or a common core of evaluative techniques that apply to many kinds of education. There might be a common core of conditions that could attach to the approval of educational programs and institutions. There might be a common core of procedures that could be used for a broad range of education, or a way to organize a common resource bank for expertise in all the areas of education. I don't know what the common cores are or the extent to which they really exist, but it seems to me the issue is a very important one to focus on. Division and interrelation of functions

within and among the triad elements will proceed more soundly if attention is given to the possible common core of that universe you are all attempting to govern.

III. THE HIGH GROUND

A. The Need To Be Concrete

This is the last step -- picking a place to stop and camp for awhile. I sense that you are approaching a point where it is possible to get very concrete. I've heard a lot of general discussion since yesterday. But it is time, I think, to get into very concrete cases, problems and situations, and try to work them out within the triad context. We should sit down together, not just to talk generally but to really focus in on a problem and hammer out some specific working relationship that can be used to solve it. A working relationship, as you know, can have various degrees of formality. At some point, triad elements may begin to use the memorandum of understanding concept, where the relationship regarding a particular problem is formal enough that you can set out its particulars in writing. What kinds of matters might be capable of being handled in a formal relationship of that type?

B. Example #1

Let's take a situation within a single State. How about the people regulating degree-granting sitting down with the people regulating non-degree granting activites and deciding how to handle problems of the non-degree program sponsored by the degree-granting institution? I know they might conclude they cannot solve the problem together because they do not have appropriate legal authority. But even if the discussion ends that way, at least they would know what kind of authority to ask for, and why, whenever either were in a position to ask for it.

C. Example #2

For another example, let's take two States. How about one State sitting down with another State to develop a formal agreement about reciprocity? I've heard talk about the need of some kind of reciprocity among States, and a few States have already entered into such arrangements. But there is probably a long way to go with that particular development, and I think you go there by getting very concrete. One State with a particular set of laws and problems must sit down with another State with a particular set of laws and problems and say, "we are going to agree on reciprocity, or if we can't agree we are going to know exactly what the obstacles are so we can work on them."

D. Example #3

Another example came out of this afternoon's session. How about AIES people sitting down with COPA staff and saying, "exactly what are we going to do about this problem of adequate public representation on the boards and commissions of accrediting agencies? If AIES is going to address that matter in its recognition criteria, will it also recognize that COPA should have a strong hand and interest in the matter? If so, exactly how should they work together? It would be interesting to see what kind of real agreement could be reached on that particular problem.

E. Example #4

Another example that we started to go over: how about a State sitting down with the regional accrediting agency that has jurisdiction over the schools within that State to work out an information sharing arrangement? What could they agree upon about the kinds of information that both are willing to share with one another? What could they agree upon about particular guidelines to assure they don't get enmeshed in legal problems or create strained relations between themselves and the schools?

F. Example #5

One last example: the problem of complaints and grievances. I have heard some talk about that. How about a State and an accrediting agency within that jurisdiction sitting down to establish a specific plan for processing complaints or grievances regarding the actions of individual schools? Such a plan could specify how the accrediting agency relates its processing to the State if it gets a complaint, and how that State relates its processing to the accrediting agency if it gets the complaint. How specific could the State and the accrediting agency get on that very particular problem, dealing with the nitty gritty and the concreteness of the problem?

G. Models, Guidelines, and Developing The Triad Concept

As the dialogue builds on this very concrete level, you will begin to get models and guidelines, and to develop a pool of experience that can be shared among the triad elements. You will begin to fill needs much like those you discussed in regard to the summer workshop. Perhaps the summer workshop is where this kind of concrete consideration can really take shape. Perhaps you could simulate exercises such as I've suggested and develop some very good experiences.

At any rate, I want to re-emphasize my sense from what I've heard at this Retreat that many good things are happening at the level of generalization about principles and about the need to cooperate. But it's very important now, since people are together and the dialogue has started, to maintain the momentum by getting increasingly concrete and talking about specific cases and problems. If we hammer on them long enough, we'll derive some real solutions which will then increase the meaning you can give to the triad concept -- a concept you are beginning to agree on but which still needs to be developed to a very considerable extent.

February 12, 1976

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January 14 - 16, 1976

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February 12, 1976

THE BELMONT EXPERIENCE

By Warren Hill

Where are the pains that rent us so
  across the past decades?
Where are the rancor and distrust?
  Guns? Cudgels? Flashing blades?
What happened here to foster love
  In the halls of Belmont Park?
And blend the minds and souls of men
  Like Fulton, Arnstein, Clark?

Was it the ladies' gracious ways
  That set the stage for peace?
Or was it Selden's sage advice
  That made the clamor cease?
When COPA passed the loving cup
  And asked all here to quaff it,
We all took heart when the first to sup
  Was none but John R. Proffitt!

We've found in Kaplin, Manning, Quinn
  In Freeberg, Friedrich, Trivett
A willingness to compromise
  To take advice and give it.
We've made our peace, there's work to do
  And we're the ones to do it
If progress can't be made -- from here --
  Then Fischer really blew it!